

FEDERAL ANTITRUST BILL

COMPARATIVE PRINT

SHOWING

H. R. 15657

AN ACT TO SUPPLEMENT EXISTING LAWS AGAINST UNLAWFUL RESTRAINTS
AND MONOPOLIES, AND FOR OTHER PURPOSES

AS PASSED BY THE HOUSE, AS PASSED BY THE SENATE
AND AS AGREED TO IN CONFERENCE



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v.

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SUBMITTED BY MR. CULBERSON.

IN THE SENATE OF THE UNITED STATES,

September 2, 1914.

Ordered, That there be printed in parallel columns a comparative print of the bill (H. R. 1557) entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," showing the bill as passed by the House, the bill as passed by the Senate, and the bill as agreed to in conference.

Attest:

JAMES M. BAKER, *Secretary*.

COMPARATIVE PRINT OF H. R. 15657, AN ACT TO SUPPLEMENT EXISTING LAWS AGAINST UNLAWFUL RESTRAINTS AND MONOPOLIES, AND FOR OTHER PURPOSES.

AS PASSED BY THE HOUSE.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That "antitrust laws," as used herein, includes the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," approved July second, eighteen hundred and ninety; sections seventy-three to seventy-seven, inclusive, of an Act entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes," of August twenty-seventh, eighteen hundred and ninety-four; an Act entitled "An Act to amend sections seventy-three and seventy-six of the Act of August twenty-seventh, eighteen hundred and ninety-four, entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes," approved February twelfth, nineteen hundred and thirteen; and also this Act.

"Commerce," as used herein, means trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States.

The word "person" or "persons" wherever used in this Act shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the Territories, the laws of any State, or the laws of any foreign country.

AS PASSED BY THE SENATE.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That "antitrust laws," as used herein, includes the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," approved July second, eighteen hundred and ninety; sections seventy-three to seventy-seven, inclusive, of an Act entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes," of August twenty-seventh, eighteen hundred and ninety-four; an Act entitled "An Act to amend sections seventy-three and seventy-six of the Act of August twenty-seventh, eighteen hundred and ninety-four, entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes," approved February twelfth, nineteen hundred and thirteen; and also this Act.

"Commerce," as used herein, means trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States:

Provided, That nothing in this Act contained shall apply to the Philippine Islands.

The word "person" or "persons" wherever used in this Act shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the Territories, the laws of any State, or the laws of any foreign country.

AS AGREED TO IN CONFERENCE.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That "antitrust laws," as used herein, includes the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," approved July second, eighteen hundred and ninety; sections seventy-three to seventy-seven, inclusive, of an Act entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes," of August twenty-seventh, eighteen hundred and ninety-four; an Act entitled "An Act to amend sections seventy-three and seventy-six of the Act of August twenty-seventh, eighteen hundred and ninety-four, entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes," approved February twelfth, nineteen hundred and thirteen; and also this Act.

"Commerce," as used herein, means trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States:

Provided, That nothing in this Act contained shall apply to the Philippine Islands.

The word "person" or "persons" wherever used in this Act shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the Territories, the laws of any State, or the laws of any foreign country.

AS PASSED BY THE HOUSE.

AS PASSED BY THE SENATE.

AS AGREED TO IN CONFERENCE.

SEC. 3. That it shall be unlawful for the owner, operator, or transporter of the product or products of any mine, oil or gas well, reduction works, refinery, of hydroelectric plant producing coal, oil, gas, or hydroelectric energy, or for any person controlling the products thereof, engaged in selling such product in commerce to refuse arbitrarily to sell such product to a responsible person, firm, or corporation who applies to purchase such product for use, consumption, or resale within the United States or any Territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States, and any person violating this section shall be deemed guilty of a misdemeanor and shall be punished as provided in the preceding section.

SEC. 4. That any person engaged in commerce who shall lease or make a sale of goods, wares, merchandise, machinery, supplies, or other commodities for use, consumption, or resale within the United States, or any Territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States, or fix a price charged therefor, or discount from, or rebate upon such price, on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use or deal in the goods, wares, merchandise, machinery, supplies, or other commodities of a competitor or competitors of the lessor or seller

shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$5,000, or by imprisonment not exceeding one year, or by both, in the discretion of the court.

[Stricken out in the Senate.]

Sec. 2. That it shall not be lawful to insert or incorporate a condition in any contract relating to the sale or lease of or license to use any article or process protected by a patent or patents the effect of which will be to prohibit or restrict the purchaser, lessee, or licensee from using any article or class of articles, whether patented or not, or any patented process, supplied or owned by any person other than the seller, lessor, or licensor, or his nominees, or the effect of which will be to require the purchaser, lessee, or licensee to acquire from the seller, lessor, or licensor, or his nominees any article or class of articles not protected by the patent; and any such conditions shall be null and void, as being in restraint of trade and contrary to public policy. Any person violating the provisions of this section

shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$5,000 or by imprisonment not exceeding one year, or by both, in the discretion of the court.

SEC. 3. That it shall be unlawful for any person engaged in commerce, in the course of such commerce, to lease or make a sale or contract for sale of goods, wares, merchandise, machinery, supplies or other commodities, whether patented or unpatented, for use, consumption or resale within the United States or any Territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement or understanding that the lessee or purchaser thereof shall not use or deal in the goods, wares, merchandise, machinery, supplies or other commodities of a competitor or competitors of the lessor or seller.

WHERE THE EFFECT OF SUCH LEASE, SALE, OR CONTRACT FOR SALE OR SUCH CONDITION, AGREEMENT OR UNDERSTANDING MAY BE TO SUBSTANTIALLY LESSEN COMPETITION OR TEND TO CREATE A MONOPOLY IN ANY LINE OF COMMERCE.



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AS PASSED BY THE HOUSE.

SEC. 5. That any person who shall be injured in his business or property by reason of anything forbidden in the antitrust laws may sue therefor in any district court of the United States in the district in which the defendant resides or is found or has an agent, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the cost of suit, including a reasonable attorney's fee.

SEC. 6. That whenever in any suit or proceeding in equity hereafter brought by or on behalf of the United States under any of the antitrust laws there shall have been rendered a final judgment or decree to the effect that a defendant has entered into a contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce, or has monopolized, or attempted to monopolize or combined with any person or persons to monopolize, any part of commerce, in violation of any of the antitrust laws, said judgment or decree shall, to the full extent to which such judgment or decree would constitute in any other proceeding an estoppel as between the United States and such defendant, constitute against such defendant conclusive evidence of the same facts, and be conclusive as to the same questions of law in favor of any other party in any action or proceeding brought under or involving the provisions of any of the antitrust laws.

AS PASSED BY THE SENATE.

SEC. 53. That any person who shall be injured in his business or property by reason of anything forbidden in the antitrust laws may sue therefor in any district court of the United States in the district in which the defendant resides or is found or has an agent, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the cost of suit, including a reasonable attorney's fee.

SEC. 4. *That a final judgment or decree heretofore or hereafter rendered in any criminal prosecution or in any suit or proceeding in equity brought by or on behalf of the United States under the antitrust laws to the effect that a defendant has violated said laws shall be prima facie evidence against such defendant in any suit or proceeding brought by any other party against such defendant under said laws as to all matters respecting which said judgment or decree would be an estoppel as between the parties thereto.*

Any person may be prosecuted, tried, or punished for any offense under the antitrust laws, and any suit arising under those laws may be maintained if the indictment is found or the suit is brought within six years next after the occurrence of the act or cause of action complained of, any statute of limitation or other provision of law heretofore enacted to the contrary notwithstanding.

AS AGREED TO IN CONFERENCE.

SEC. 4. That any person who shall be injured in his business or property by reason of anything forbidden in the antitrust laws may sue therefor in any district court of the United States in the district in which the defendant resides or is found or has an agent, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the cost of suit, including a reasonable attorney's fee.

SEC. 5. *That a final judgment or decree hereafter rendered in any criminal prosecution or in any suit or proceeding in equity brought by or on behalf of the United States under the antitrust laws to the effect that a defendant has violated said laws shall be prima facie evidence against such defendant in any suit or proceeding brought by any other party against such defendant under said laws as to all matters respecting which said judgment or decree would be an estoppel as between the parties thereto.*

PROVIDED, THAT THIS SECTION SHALL NOT APPLY TO CONSENT JUDGMENTS OR DECREES ENTERED BEFORE ANY TESTIMONY HAS BEEN TAKEN: PROVIDED FURTHER, THAT THIS SECTION SHALL NOT APPLY TO CONSENT JUDGMENTS OR DECREES RENDERED IN CRIMINAL PROCEEDINGS OR SUITS IN EQUITY NOW PENDING IN WHICH THE TAKING OF TESTIMONY HAS BEEN COMMENCED BUT HAS NOT BEEN CONCLUDED, PROVIDED SUCH JUDGMENTS OR DECREES ARE RENDERED BEFORE ANY FURTHER TESTIMONY IS TAKEN.

AS PASSED BY THE HOUSE.

Whenever any suit or proceeding in equity is hereafter brought by or on behalf of the United States, under any of the antitrust laws, the statute of limitations in respect of each and every private right of action, arising under such antitrust laws, and based, in whole or in part, on any matter complained of in said suit or proceeding in equity, shall be suspended during the pendency

of such suit or proceeding in equity.

SEC. 7. That

nothing

contained in the antitrust laws shall be construed to forbid the existence and operation of fraternal, labor, consumers, agricultural, or horticultural organizations, orders, or associations instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations, orders, or associations from carrying out the legitimate objects thereof; nor shall such organizations, orders, or associations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade, under the antitrust laws.

Nothing contained in the antitrust laws shall be construed to forbid associations of traffic, operating, accounting, or other officers of common carriers for the purpose of conferring among themselves or of making any lawful agreement as to any matter which is subject to the regulating or supervisory jurisdiction of the Interstate Commerce Commission, but all such matters shall continue to be subject to such jurisdiction of the commission, and all such agreements shall be entered and kept of record by the carriers, parties thereto, and shall at all times be open to inspection by the commission, but no such agreement shall go into effect or become operative until the same shall have first been submitted to, and approved by, the Interstate Commerce Commission: *Provided*, That nothing in this Act shall be construed as modifying existing laws prohibiting the pooling of earnings or traffic, or existing laws against joint agreements by common carriers to maintain rates.

AS PASSED BY THE SENATE.

Whenever any suit or proceeding in equity is instituted by the United States to prevent or restrain violations of any of the antitrust laws the running of the statute of limitations in respect of each and every private right of action arising under said laws and based in whole or in part on any matter complained of in said suit or proceeding shall be suspended during

the pendency thereof: Provided, That this shall not be held to extend the statute of limitations in the case of offenses heretofore committed.

SEC. 7 5. That ~~nothing~~ the labor of a human being is not a commodity or article of commerce. ~~Nothing~~

contained in the antitrust laws shall be construed to forbid the existence and operation of ~~fraternal~~, labor, ~~consumers~~, agricultural, or horticultural organizations, ~~orders~~, or ~~associations~~ instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations, ~~orders~~, or ~~associations~~ from lawfully carrying out the legitimate objects thereof; nor shall such organizations, ~~orders~~, or ~~associations~~, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade, under the antitrust laws.

AS AGREED TO IN CONFERENCE.

Whenever any suit or proceeding in equity or criminal prosecution is instituted by the United States to prevent, restrain, OR PUNISH violations of any of the antitrust laws the running of the statute of limitations in respect of each and every private right of action arising under said laws and based in whole or in part on any matter complained of in said suit or proceeding shall be suspended during

the pendency thereof.

SEC. 6. That ~~nothing~~ the labor of a human being is not a commodity or article of commerce. ~~Nothing~~

contained in the antitrust laws shall be construed to forbid the existence and operation of ~~fraternal~~, labor, ~~consumers~~, agricultural, or horticultural organizations, ~~orders~~, or ~~associations~~, instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations, ~~orders~~, or ~~associations~~, from lawfully carrying out the legitimate objects thereof; nor shall such organizations, ~~orders~~, or ~~associations~~, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade, under the antitrust laws.

[Stricken out in the Senate.]

AS PASSED BY THE HOUSE.

SEC. 8. That no corporation engaged in commerce shall acquire, directly or indirectly, the whole or any part of the stock or other share capital of another corporation engaged also in commerce, where the effect of such acquisition is to eliminate or substantially

lessen

competition between the corporation whose stock is so acquired and the corporation making the acquisition,

or to

create a monopoly of any line of trade in any section or community.

No corporation shall acquire, directly or indirectly, the whole or any part of the stock or other share capital of two or more corporations engaged in commerce where the effect of such acquisition, or the use of such stock by the voting or granting of proxies or otherwise, is to eliminate or substantially

lessen competition between such corporations, or any of them, whose stock or other share capital is so acquired,

or to create a monopoly of any line of trade in any section or community.

This section shall not apply to corporations purchasing such stock solely for investment and not using the same by voting or otherwise to bring about, or in attempting to bring about, the substantial

lessening of competition. Nor shall anything contained in this section prevent a corporation engaged in commerce from causing the formation of subsidiary corporations for the actual carrying on of their immediate lawful business, or the natural and legitimate branches or extensions thereof, or from owning and holding all or a part of the stock of such subsidiary corporations, when the effect of such formation is not to eliminate or substantially lessen competition.

AS PASSED BY THE SENATE.

SEC. 8 6. That no corporation engaged in commerce shall acquire, directly or indirectly, the whole or any part of the stock or other share capital of another corporation engaged also in commerce, where the effect of such acquisition *is may be* to ~~eliminate or substantially~~

lessen

competition between the corporation whose stock is so acquired and the corporation making the acquisition,

or to create a monopoly of any line of ~~trade in any section or community~~ commerce.

No corporation shall acquire, directly or indirectly, the whole or any part of the stock or other share capital of two or more corporations engaged in commerce where the effect of such acquisition, or the use of such stock by the voting or granting of proxies or otherwise, *is may be* to ~~eliminate or substantially~~

lessen competition between such corporations, or any of them, whose stock or other share capital is so acquired,

or to create a monopoly of any line of ~~trade in any section or community~~ commerce.

This section shall not apply to corporations purchasing such stock solely for investment and not using the same by voting or otherwise to bring about, or in attempting to bring about, the substantial

lessening of competition. Nor shall anything contained in this section prevent a corporation engaged in commerce from causing the formation of subsidiary corporations for the actual carrying on of their immediate lawful business, or the natural and legitimate branches or extensions thereof, or from owning and holding all or a part of the stock of such subsidiary corporations, when the effect of such formation is not to ~~eliminate or substantially~~ lessen competition.

AS AGREED TO IN CONFERENCE.

SEC. 7. That no corporation engaged in commerce shall acquire, directly or indirectly, the whole or any part of the stock or other share capital of another corporation engaged also in commerce where the effect of such acquisition *is may be* to ~~eliminate or~~ substantially

lessen

competition between the corporation whose stock is so acquired and the corporation making the acquisition,

OR TO RESTRAIN SUCH COMMERCE IN ANY SECTION OR COMMUNITY,

or TEND to create a monopoly of any line of ~~trade in any section or community~~ commerce.

No corporation shall acquire, directly or indirectly, the whole or any part of the stock or other share capital of two or more corporations engaged in commerce where the effect of such acquisition, or the use of such stock by the voting or granting of proxies or otherwise, *is may be* to ~~eliminate or~~ substantially

lessen competition between such corporations, or any of them, whose stock or other share capital is so acquired,

OR TO RESTRAIN SUCH COMMERCE IN ANY SECTION OR COMMUNITY,

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This section shall not apply to corporations purchasing such stock solely for investment and not using the same by voting or otherwise to bring about, or in attempting to bring about, the substantial

lessening of competition. Nor shall anything contained in this section prevent a corporation engaged in commerce from causing the formation of subsidiary corporations for the actual carrying on of their immediate lawful business, or the natural and legitimate branches or extensions thereof, or from owning and holding all or a part of the stock of such subsidiary corporations, when the effect of such formation is not to ~~eliminate or~~ substantially lessen competition.

AS PASSED BY THE HOUSE.

Nothing contained in this section shall be held to affect or impair any right heretofore legally acquired: *Provided*, That nothing in this paragraph shall make stockholding relations between corporations legal when such relations constitute violations of the antitrust laws.

Nor shall anything herein contained be construed to prohibit any railroad corporation from aiding in the construction of branch or short line railroads so located as to become feeders to the main line of the company so aiding in such construction or from acquiring or owning all or any part of the stock of such branch line, nor to prevent any railroad corporation from acquiring and owning all or any part of the stock of a branch or short line railroad constructed by an independent com-

pany where there is no substantial competition between the company owning the branch line so constructed and the company owning the main line acquiring the property or an interest therein, nor to prevent any railroad company from extending any of its lines through the medium of the acquisition of stock or otherwise of any other railroad

company where there is no substantial competition between the company extending its lines and the company whose stock, property, or an interest therein is so acquired.

A violation of any of the provisions of this section shall be deemed a misdemeanor, and shall be punishable by a fine not exceeding \$5,000, or by imprisonment not exceeding one year, or by both, in the discretion of the court.

AS PASSED BY THE SENATE.

[Stricken out in the Senate.]

Nor shall anything herein contained be construed to prohibit any ~~railroad corporation~~ common carrier subject to the laws to regulate commerce from aiding in the construction of ~~branch branches~~ or short line ~~lines railroads~~ so located as to become feeders to the main line of the company so aiding in such construction or from acquiring or owning all or any part of the stock of such branch ~~line, lines~~, nor to prevent any ~~railroad corporation~~ such common carrier from acquiring and owning all or any part of the stock of a branch or short line ~~railroad~~ constructed by an independent company where there is no substantial competition between the company owning the branch line so constructed and the company owning the main line acquiring the property or an interest therein, nor to prevent ~~any railroad company~~ such common carrier from extending any of its lines through the medium of the acquisition of stock or otherwise of any other ~~railroad company~~ such common carrier where there is no

~~substantial~~ competition between the company extending its lines and the company whose stock, property, or an interest therein is so acquired.

Nothing contained in this section shall be held to affect or impair any right heretofore legally acquired: Provided, That nothing in this section shall be held or construed to authorize or make lawful anything heretofore prohibited or made illegal by the anti-trust laws, nor to exempt any person from the penal provisions thereof.

[This paragraph was stricken out in the Senate.]

AS AGREED TO IN CONFERENCE.

Nor shall anything herein contained be construed to prohibit any ~~railroad corporation~~ common carrier subject to the laws to regulate commerce from aiding in the construction of ~~branch branches~~ or short line ~~lines railroads~~ so located as to become feeders to the main line of the company so aiding in such construction or from acquiring or owning all or any part of the stock of such branch ~~line, lines~~, nor to prevent any ~~railroad corporation~~ such common carrier from acquiring and owning all or any part of the stock of a branch or short line ~~railroad~~ constructed by an independent company where there is no substantial competition between the company owning the branch line so constructed and the company owning the main line acquiring the property or an interest therein, nor to prevent ~~any railroad company~~ such common carrier from extending any of its lines through the medium of the acquisition of stock or otherwise of any other ~~railroad company~~ such common carrier where there is no

substantial competition between the company extending its lines and the company whose stock, property, or an interest therein is so acquired.

Nothing contained in this section shall be held to affect or impair any right heretofore legally acquired: Provided, That nothing in this section shall be held or construed to authorize or make lawful anything heretofore prohibited or made illegal by the anti-trust laws, nor to exempt any person from the penal provisions thereof.

OR
THE CIVIL REMEDIES THEREIN PROVIDED.

AS PASSED BY THE HOUSE.

AS PASSED BY THE SENATE.

AS AGREED TO IN CONFERENCE.

SEC. 9. That from and after two years from the date of the approval of this Act no person who is engaged as an individual, or who is a member of a partnership, or is a director or other officer of a corporation that is engaged in the business, in whole or in part, of producing or selling equipment, materials, or supplies to, or in the construction or maintenance of, railroads or other common carriers engaged in commerce, shall act as a director or other officer or employee of any other corporation or common carrier engaged in commerce to which he, or such partnership or corporation, sells or leases, directly or indirectly, equipment, materials, or supplies, or for which he or such partnership or corporation, directly or indirectly, engages in the work of construction or maintenance; and after the expiration of said period no person who is engaged as an individual or who is a member of a partnership or is a director or other officer of a corporation which is engaged in the conduct of a bank or trust company shall act as a director or other officer or employee of any such common carrier for which he or such partnership or bank or trust company acts, either separately or in connection with others, as agent for or underwriter of the sale or disposal by such common carrier of issues or parts of issues of its securities, or from which he or such partnership or bank or trust company purchases, either separately or in connection with others, issues or parts of issues of securities of such common carrier.

That from and after two years from the date of the approval of this Act no person shall at the same time be a director or other officer or employee of more than one bank, banking association, or trust company organized or operating under the laws of the United States either of which has deposits, capital, surplus, and undivided profits aggregating more than \$2,500,000;

and no private banker or person who is a director in any bank or trust company, organized and operating under the laws of a State, having deposits, capital, surplus, and undivided profits aggregating more than \$2,500,000,

S. Doc. 584, 63-2—2*

[This part of section 9 was stricken out in the Senate.]

SEC. 8. That from and after two years from the date of the approval of this Act no person shall at the same time be a director or other officer or employee of more than one bank, banking association or trust company, organized or operating under the laws of the United States, either of which has deposits, capital, surplus, and undivided profits aggregating more than \$5,000,000;

and no private banker or person who is a director in any bank or trust company, organized and operating under the laws of a State, having deposits, capital, surplus, and undivided profits aggregating more than \$5,000,000,

AS PASSED BY THE HOUSE.

AS PASSED BY THE SENATE.

AS AGREED TO IN CONFERENCE.

shall be eligible to be a director in any bank or banking association organized or operating under the laws of the United States. The eligibility of a director, officer, or employee under the foregoing provisions shall be determined by the average amount of deposits, capital, surplus, and undivided profits as shown in the official statements of such bank, banking association, or trust company filed as provided by law during the fiscal year next preceding the date set for the annual election of directors, and when a director, officer, or employee has been elected or selected in accordance with the provisions of this Act it shall be lawful for him to continue as such for one year thereafter under said election or employment.

No bank, banking association, or trust company organized or operating under the laws of the United States in any city or incorporated town or village of more than one hundred thousand inhabitants, as shown by the last preceding decennial census of the United States, shall have as a director or other officer or employee any private banker or any director or other officer or employee of any other bank, banking association, or trust company located in the same place: *Provided*, That nothing in this section shall apply to mutual savings banks not having a capital stock represented by shares: *Provided further*, That a director or other officer or employee of such bank, banking association, or trust company may be a director or other officer or employee of not more than one other bank or trust company organized under the laws of the United States or any State where the entire capital stock of one is owned by stockholders in the other: *And provided further*, That nothing contained in this section shall forbid a director of class A of a Federal reserve bank, as defined in the Federal Reserve Act, from being an officer or director or both an officer and director in one member bank.

[Stricken out in the Senate.]

shall be eligible to be a director in any bank or banking association organized or operating under the laws of the United States. The eligibility of a director, officer, or employee under the foregoing provisions shall be determined by the average amount of deposits, capital, surplus, and undivided profits as shown in the official statements of such bank, banking association, or trust company filed as provided by law during the fiscal year next preceding the date set for the annual election of directors, and when a director, officer, or employee has been elected or selected in accordance with the provisions of this Act it shall be lawful for him to continue as such for one year thereafter under said election or employment.

No bank, banking association or trust company, organized or operating under the laws of the United States, in any city or incorporated town or village of more than two hundred thousand inhabitants, as shown by the last preceding decennial census of the United States, shall have as a director or other officer or employee any private banker or any director or other officer or employee of any other bank, banking association or trust company located in the same place: *Provided*, That nothing in this section shall apply to mutual savings banks not having a capital stock represented by shares: *Provided further*, That a director or other officer or employee of such bank, banking association, or trust company may be a director or other officer or employee of not more than one other bank or trust company organized under the laws of the United States or any State where the entire capital stock of one is owned by stockholders in the other: *And provided further*, That nothing contained in this section shall forbid a director of class A of a Federal reserve bank, as defined in the Federal Reserve Act, from being an officer or director or both an officer and director in one member bank.

AS PASSED BY THE HOUSE.

That from and after two years from the date of the approval of this Act no person at the same time shall be a director in any two or more corporations, either of which has capital, surplus, and undivided profits aggregating more than \$1,000,000, engaged in whole or in part in commerce, other than com-

mon carriers subject to the Act to regulate commerce, approved February fourth, eighteen hundred and eighty-seven, if such corporations are or shall have been theretofore, by virtue of their business and location of operation, competitors, so that an

elimination of competition by agreement between them would constitute a violation of any of the provisions of any of the antitrust laws. The eligibility of a director under the foregoing provision shall be determined by the aggregate amount of the capital, surplus, and undivided profits, exclusive of dividends declared but not paid to stockholders, at the end of the fiscal year of said corporation next preceding the election of directors, and when a director has been elected in accordance with the provisions of this Act it shall be lawful for him to continue as such for one year thereafter.

When any person elected or chosen as a director or officer or selected as an employee of any bank or other

corporation subject to the provisions of this Act, is eligible at the time of his election or selection to act for such bank or other cor-

poration in such capacity his eligibility to act in such capacity shall not be affected and he shall not become or be deemed amenable to any of the provisions hereof by reason of any change in the affairs of such bank or other corporation from whatsoever cause, whether specifically excepted by any of the provisions hereof or not, until the expiration of one year from the date of his election or employment.

That any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not exceeding \$100 a day for each day of the continuance of such violation, or by imprisonment for such period as the court may designate, not exceeding one year, or by both, in the discretion of the court.

AS PASSED BY THE SENATE.

SEC. 7. That from and after two years from the date of the approval of this Act no person at the same time shall be a director in any two or more corporations, ~~either any one~~ of which has capital, surplus, and undivided profits aggregating more than \$1,000,000, engaged in whole or in part in commerce, other than

common carriers subject to the Act to regulate commerce, approved February fourth, eighteen hundred and eighty-seven, if such corporations are or shall have been theretofore, by virtue of their business and location of operation, competitors, so that ~~an~~

the elimination of competition by agreement between them would constitute a violation of any of the provisions of any of the antitrust laws. The eligibility of a director under the foregoing provision shall be determined by the aggregate amount of the capital, surplus, and undivided profits, exclusive of dividends declared but not paid to stockholders, at the end of the fiscal year of said corporation next preceding the election of directors, and when a director has been elected in accordance with the provisions of this Act it shall be lawful for him to continue as such for one year thereafter.

When any person elected or chosen as a director or officer or selected as an employee of any ~~bank or other~~

corporation subject to the provisions of this Act, is eligible at the time of his election or selection to act for such ~~bank or other~~ cor-

poration in such capacity his eligibility to act in such capacity shall not be affected and he shall not become or be deemed amenable to any of the provisions hereof by reason of any change in the affairs of such ~~bank or other~~ corporation from whatsoever cause, whether specifically excepted by any of the provisions hereof or not, until the expiration of one year from the date of his election or employment.

[This paragraph was stricken out in the Senate.]

AS AGREED TO IN CONFERENCE.

That from and after two years from the date of the approval of this Act no person at the same time shall be a director in any two or more corporations, ~~either any one~~ of which has capital, surplus, and undivided profits aggregating more than \$1,000,000, engaged in whole or in part in commerce, other than

BANKS, BANKING ASSOCIATIONS, TRUST COMPANIES, AND

common carriers subject to the Act to regulate commerce, approved February fourth, eighteen hundred and eighty-seven, if such corporations are or shall have been theretofore, by virtue of their business and location of operation, competitors, so that ~~an~~

the elimination of competition by agreement between them would constitute a violation of any of the provisions of any of the antitrust laws. The eligibility of a director under the foregoing provisions shall be determined by the aggregate amount of the capital, surplus, and undivided profits, exclusive of dividends declared but not paid to stockholders, at the end of the fiscal year of said corporation next preceding the election of directors, and when a director has been elected in accordance with the provisions of this Act it shall be lawful for him to continue as such for one year thereafter.

When any person elected or chosen as a director or officer or selected as an employee of any bank or other

corporation subject to the provisions of this Act is eligible at the time of his election or selection to act for such bank or other cor-

poration in such capacity, his eligibility to act in such capacity shall not be affected and he shall not become or be deemed amenable to any of the provisions hereof by reason of any change in the affairs of such bank or other corporation from whatsoever cause, whether specifically excepted by any of the provisions hereof or not, until the expiration of one year from the date of his election or employment.

AS PASSED BY THE HOUSE.

AS PASSED BY THE SENATE.

AS AGREED TO IN CONFERENCE.

SEC. 8. Every president, director, officer or manager of any firm, association or corporation engaged in commerce as a common carrier, who embezzles, steals, abstracts or willfully misapplies, or willfully permits to be misapplied, any of the moneys, funds, credits, securities, property or assets of such firm, association or corporation, arising or accruing from

such commerce, in whole or in part, or willfully or knowingly converts the same to his own use or to the use of another, shall be deemed guilty of a felony and upon conviction shall be fined not less than \$500 or confined in the penitentiary not less than one year nor more than ten years, or both, in the discretion of the court.

Prosecutions hereunder may be in the district court of the United States for the district wherein the offense may have been committed.

That nothing in this section shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof; and a judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution hereunder for the same act or acts.

SEC. 10. After two years

from the approval of this Act no common carrier engaged in commerce shall have

upon its board of directors or as its president, manager, or purchasing officer or agent any person who is at the same time an officer, director, manager, or agent of, or who has any direct or indirect interest in, another corporation, firm, partnership or association, with which latter corporation, firm, partnership or association such common carrier shall have

any dealings in securities, railroad supplies or other articles of commerce or

contracts

for construction or maintenance of any kind to the amount of more than \$50,000 in any one year,

SEC. 9. Every president, director, officer or manager of any firm, association or corporation engaged in commerce as a common carrier, who embezzles, steals, abstracts or willfully misapplies, or willfully permits to be misapplied, any of the moneys, funds, credits, securities, property or assets of such firm, association or corporation, arising or accruing from,

OR USED IN, such commerce, in whole or in part, or willfully or knowingly converts the same to his own use or to the use of another, shall be deemed guilty of a felony and upon conviction shall be fined not less than \$500 or confined in the penitentiary not less than one year nor more than ten years, or both, in the discretion of the court.

Prosecutions hereunder may be in the district court of the United States for the district wherein the offense may have been committed.

That nothing in this section shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof; and a judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution hereunder for the same act or acts.

SEC. 10. THAT After two years from the approval of this Act no common carrier engaged in commerce shall have

any dealings in securities, supplies or other articles of commerce, or

SHALL MAKE OR HAVE ANY

contracts

for construction or maintenance of any kind, to the amount of more than \$50,000, IN THE AGGREGATE, in any one year, WITH ANOTHER CORPORATION, FIRM, PARTNERSHIP, OR ASSOCIATION WHEN THE SAID COMMON CARRIER SHALL HAVE UPON ITS BOARD OF DIRECTORS OR AS ITS PRESIDENT, MANAGER OR AS ITS PURCHASING OR SELLING OFFICER, OR

AS PASSED BY THE HOUSE.

AS PASSED BY THE SENATE.

AS AGREED TO IN CONFERENCE.

unless and except such purchases shall be made from or such dealings shall be with the bidder whose bid is the most favorable to such common carrier, to be ascertained by competitive bidding after public notice prescribed by rule or otherwise by the Interstate Commerce Commission. No bid shall be received unless the names and addresses of the officers, directors, and general

managers thereof, if it be a corporation, or of the members, if it be a partnership or firm, be given with the bid.

Any person who shall, directly or indirectly, do or attempt to do anything to prevent anyone from bidding or shall do any act to prevent free and fair competition among the bidders or those desiring to bid shall be punished as prescribed in this section.

Every such common carrier having any such transactions or making any such purchases shall within ten days after making the same file with the Interstate Commerce Commission a full and detailed statement of the transaction showing the manner and time of the advertisement given for competition, who were the bidders, and the names and addresses of the directors and officers of the corporations and the members of the firm or partnership bidding; and whenever the said commission shall have reason to believe that the law has been violated in and about the said purchases or transactions it shall transmit all papers and documents and its own views or findings regarding the transaction to the Attorney General.

If any common carrier shall violate this section, every director or officer thereof who shall have knowingly voted for or directed the act constituting such violation or who shall have aided or abetted in such violation shall be deemed guilty of a misdemeanor and shall be fined not exceeding \$25,000 and confined in jail not exceeding two years, in the discretion of the court.

AGENT IN THE PARTICULAR TRANSACTION, ANY PERSON WHO IS AT THE SAME TIME A DIRECTOR, MANAGER, OR PURCHASING OR SELLING OFFICER OF, OR WHO HAS ANY SUBSTANTIAL INTEREST IN, SUCH OTHER CORPORATION, FIRM, PARTNERSHIP OR ASSOCIATION

unless and EXCEPT SUCH PURCHASES SHALL BE MADE FROM, OR SUCH DEALINGS SHALL BE WITH, THE BIDDER WHOSE BID IS THE MOST FAVORABLE TO SUCH COMMON CARRIER, TO BE ASCERTAINED BY COMPETITIVE BIDDING UNDER REGULATIONS TO BE PRESCRIBED BY RULE OR OTHERWISE BY THE INTERSTATE COMMERCE COMMISSION. NO BID SHALL BE RECEIVED UNLESS THE NAME AND ADDRESS OF THE BIDDER OR THE NAMES AND ADDRESSES OF THE OFFICERS, DIRECTORS, AND GENERAL managers thereof, if THE BIDDER be a corporation, or of the members, if it be a partnership or firm, be given with the bid.

Any person who shall, directly or indirectly, do or attempt to do anything to prevent anyone from bidding or shall do any act to prevent free and fair competition among the bidders or those desiring to bid shall be punished as prescribed in this section in the case of an officer or director.

Every such common carrier having any such transactions or making any such purchases shall within THIRTY days after making the same file with the Interstate Commerce Commission a full and detailed statement of the transaction showing the manner OF THE COMPETITIVE BIDDING, who were the bidders, and the names and addresses of the directors and officers of the corporations and the members of the firm or partnership bidding; and whenever the said commission shall. AFTER INVESTIGATION OR HEARING, have reason to believe that the law has been violated in and about the said purchases or transactions it shall transmit all papers and documents and its own views or findings regarding the transaction to the Attorney General.

If any common carrier shall violate this section, it shall be fined not exceeding \$25,000; and every such director, agent, manager or officer thereof who shall have knowingly voted for or directed the act constituting such violation or who shall have aided or abetted in such violation shall be deemed guilty of a misdemeanor and shall be fined not exceeding \$5,000, or confined in jail not exceeding one year, or both, in the discretion of the court.

AS PASSED BY THE HOUSE.

AS PASSED BY THE SENATE.

AS AGREED TO IN CONFERENCE.

SEC. 9. That authority to enforce compliance with the provisions of sections six and seven of this Act by the corporations, associations, partnerships, and individuals respectively subject thereto is hereby vested: In the Interstate Commerce Commission where applicable to common carriers

and in the Federal Trade Commission where applicable to all other character of commerce, to be exercised as follows:

Whenever the commission vested with jurisdiction thereof shall have reason to believe that any person,

partnership, or corporation is violating any of the provisions of sections six and seven of this Act it shall issue and serve upon such person,

partnership, or corporation a complaint stating its charges in that behalf, and at the same time a notice of hearing upon a day and at a place therein fixed.

The person, partnership, or corporation so complained of shall have the right to appear at the place and time so fixed and show cause why an order should not be entered by the commission requiring such person,

partnership, or corporation to cease and desist from the violation of the law so charged in said complaint.

Upon such hearing the commission shall make and file its findings, and if the commission shall find that the person, partnership, or corporation named in the complaint is violating any of the provisions of said sections it shall thereupon enter its findings of record and issue and serve upon the offender an order requiring that within a reasonable time and in

SEC. 11. That authority to enforce compliance with sections TWO, THREE, seven, AND EIGHT of this Act by the persons respectively subject thereto is hereby vested in the Interstate Commerce Commission where applicable to common carriers, IN THE FEDERAL RESERVE BOARD WHERE APPLICABLE TO BANKS, BANKING ASSOCIATIONS, AND TRUST COMPANIES

and in the Federal Trade Commission where applicable to all other character of commerce, to be exercised as follows:

Whenever the commission OR BOARD vested with jurisdiction thereof shall have reason to believe that any person

is violating OR HAS VIOLATED any of the provisions of sections TWO, THREE, seven, AND EIGHT of this Act it shall issue and serve upon such person a

complaint stating its charges in that RESPECT AND CONTAINING a notice of a hearing upon a day and at a place therein fixed

AT LEAST THIRTY DAYS AFTER THE SERVICE OF SAID COMPLAINT.

The person so complained of shall have the right to appear at the place and time so fixed and show cause why an order should not be entered by the commission OR BOARD requiring such person

to cease and desist from the violation of the law so charged in said complaint.

ANY PERSON MAY MAKE APPLICATION, AND UPON GOOD CAUSE SHOWN MAY BE ALLOWED BY THE COMMISSION OR BOARD, TO INTERVENE AND APPEAR IN SAID PROCEEDING BY COUNSEL OR IN PERSON. THE TESTIMONY IN ANY SUCH PROCEEDING SHALL BE REDUCED TO WRITING AND FILED IN THE OFFICE OF THE COMMISSION OR BOARD.

IF UPON SUCH HEARING THE COMMISSION OR BOARD, AS THE CASE MAY BE, SHALL BE OF THE OPINION THAT ANY OF THE PROVISIONS OF SAID SECTIONS HAVE BEEN OR ARE BEING VIOLATED, IT SHALL MAKE A REPORT IN WRITING IN WHICH IT SHALL STATE ITS FINDINGS AS TO THE FACTS, AND SHALL ISSUE AND CAUSE TO BE

AS PASSED BY THE HOUSE.

a manner to be stated in said order the offender shall cease and desist from such violations and divest itself of the stock held by it or rid itself of the directors chosen, contrary to the provisions of sections six or seven, as the case may be. The commission may at any time set aside, in whole or in part, or modify its findings or order so entered or made. Any suit brought by any such person, partnership, or corporation to annul, suspend, or set aside, in whole or in part, any such order of a commission shall be brought against the commission in a district court of the United States in the judicial district of the residence of the person or of the district in which the principal office or place of business is located; and the procedure set forth in the Act of Congress making appropriations to supply urgent deficiencies and insufficient appropriations for the fiscal year of nineteen hundred and thirteen, and for other purposes, relating to suits brought to suspend or set aside, in whole or in part, an order of the Interstate Commerce Commission shall apply.

Persons, partnerships, or corporations filing or causing to be filed complaints before a commission shall have the right to appear and be made parties to the case and be represented before the courts by counsel, under such regulations as are now permitted in similar circumstances under the rules and practice of equity courts of the United States.

If within the time so fixed in the order of a commission the person, partnership, or corporation against which the order is made shall not cease and desist from the violations found to exist, and divest itself of stock held or rid itself of directors chosen, in the manner ordered by the commission, and if in the meantime such order is not annulled, suspended, or set aside by a court, the commission may bring a suit in equity in a district court in any district wherein such person or persons reside or wherein such corporation has its principal office or place of business to enforce its said order, and jurisdiction is hereby conferred upon said court to hear and determine any such suit and to enforce obedience thereto according to the law and rules applicable to suits in equity. All the provisions of the law relating to appeals and advancement for speedy hearing in suits brought to suspend or set aside an order of the Interstate Commerce Commission shall apply in

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SERVED ON SUCH PERSON AN ORDER REQUIRING SUCH PERSON TO CEASE AND DESIST FROM SUCH VIOLATIONS, AND DIVEST ITSELF OF THE STOCK HELD OR RID ITSELF OF THE DIRECTORS CHOSEN CONTRARY TO THE PROVISIONS OF SECTIONS SEVEN AND EIGHT OF THIS ACT, IF ANY THERE BE, IN THE MANNER AND WITHIN THE TIME FIXED BY SAID ORDER. UNTIL A TRANSCRIPT OF THE RECORD IN SUCH HEARING SHALL HAVE BEEN FILED IN A CIRCUIT COURT OF APPEALS OF THE UNITED STATES, AS HEREINAFTER PROVIDED, THE COMMISSION OR BOARD MAY AT ANY TIME, UPON SUCH NOTICE AND IN SUCH MANNER AS IT SHALL DEEM PROPER, MODIFY OR SET ASIDE, IN WHOLE OR IN PART, ANY REPORT OR ANY ORDER MADE OR ISSUED BY IT UNDER THIS SECTION.

IF SUCH PERSON FAILS OR NEGLECTS TO OBEY SUCH ORDER OF THE COMMISSION OR BOARD WHILE THE SAME IS IN EFFECT, THE COMMISSION OR BOARD MAY APPLY TO THE CIRCUIT COURT OF APPEALS OF THE UNITED STATES, WITHIN ANY CIRCUIT WHERE THE VIOLATION COMPLAINED OF WAS OR IS BEING COMMITTED, OR WHERE SUCH PERSON RESIDES OR CARRIES ON BUSINESS, FOR THE ENFORCEMENT OF ITS ORDER, AND SHALL CERTIFY AND FILE WITH ITS APPLICATION A TRANSCRIPT OF THE ENTIRE RECORD IN THE PROCEEDING, INCLUDING ALL THE TESTIMONY TAKEN AND THE REPORT AND ORDER OF THE COMMISSION OR BOARD. UPON SUCH FILING OF THE APPLICATION AND TRANSCRIPT THE COURT SHALL CAUSE NOTICE THEREOF TO BE SERVED UPON SUCH PERSON AND THEREUPON SHALL HAVE JURISDICTION OF THE PROCEEDING AND OF THE QUESTION DETERMINED THEREIN, AND SHALL HAVE POWER TO MAKE AND ENTER UPON THE PLEADINGS, TESTIMONY, AND PROCEEDINGS SET FORTH IN SUCH TRANSCRIPT A DECREE AFFIRMING, MODIFYING, OR SETTING ASIDE THE ORDER OF THE COMMISSION OR BOARD. THE FINDINGS OF THE COMMISSION OR BOARD AS TO THE FACTS, IF SUPPORTED BY TESTIMONY, SHALL BE CONCLUSIVE. IF EITHER PARTY SHALL APPLY TO THE COURT FOR LEAVE TO ADDUCE ADDITIONAL EVIDENCE, AND SHALL SHOW TO THE SATISFACTION OF THE COURT THAT SUCH ADDITIONAL EVIDENCE IS MATERIAL AND THAT THERE WERE REASONABLE GROUNDS FOR

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suits brought under this section: Provided, That neither the orders of a commission nor the judgment of the court to enforce the same shall in anywise relieve or absolve any person or corporation from any liability under the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," approved July second, eighteen hundred and ninety, or for violations of any of the provisions of this Act other than those contained in sections six and seven hereof.

THE FAILURE TO ADDUCE SUCH EVIDENCE IN THE PROCEEDING BEFORE THE COMMISSION OR BOARD, THE COURT MAY ORDER SUCH ADDITIONAL EVIDENCE TO BE TAKEN BEFORE THE COMMISSION OR BOARD AND TO BE ADDUCED UPON THE HEARING IN SUCH MANNER AND UPON SUCH TERMS AND CONDITIONS AS TO THE COURT MAY SEEM PROPER. THE COMMISSION OR BOARD MAY MODIFY ITS FINDINGS AS TO THE FACTS, OR MAKE NEW FINDINGS, BY REASON OF THE ADDITIONAL EVIDENCE SO TAKEN, AND IT SHALL FILE SUCH MODIFIED OR NEW FINDINGS, WHICH, IF SUPPORTED BY TESTIMONY, SHALL BE CONCLUSIVE, AND ITS RECOMMENDATION, IF ANY, FOR THE MODIFICATION OR SETTING ASIDE OF ITS ORIGINAL ORDER, WITH THE RETURN OF SUCH ADDITIONAL EVIDENCE. THE JUDGMENT AND DECREE OF THE COURT SHALL BE FINAL, EXCEPT THAT THE SAME SHALL BE SUBJECT TO REVIEW BY THE SUPREME COURT UPON CERTIORARI, AS PROVIDED IN SECTION TWO HUNDRED AND FORTY OF THE JUDICIAL CODE.

ANY PARTY REQUIRED BY SUCH ORDER OF THE COMMISSION OR BOARD TO CEASE AND DESIST FROM A VIOLATION CHARGED MAY OBTAIN A REVIEW OF SUCH ORDER IN SAID CIRCUIT COURT OF APPEALS BY FILING IN THE COURT A WRITTEN PETITION PRAYING THAT THE ORDER OF THE COMMISSION OR BOARD BE SET ASIDE. A COPY OF SUCH PETITION SHALL BE FORTHWITH SERVED UPON THE COMMISSION OR BOARD, AND THEREUPON THE COMMISSION OR BOARD FORTHWITH SHALL CERTIFY AND FILE IN THE COURT A TRANSCRIPT OF THE RECORD AS HEREINBEFORE PROVIDED. UPON THE FILING OF THE TRANSCRIPT THE COURT SHALL HAVE THE SAME JURISDICTION TO AFFIRM, SET ASIDE, OR MODIFY THE ORDER OF THE COMMISSION OR BOARD AS IN THE CASE OF AN APPLICATION BY THE COMMISSION OR BOARD FOR THE ENFORCEMENT OF ITS ORDER, AND THE FINDINGS OF THE COMMISSION OR BOARD AS TO THE FACTS, IF SUPPORTED BY TESTIMONY, SHALL IN LIKE MANNER BE CONCLUSIVE.

THE JURISDICTION OF THE CIRCUIT COURT OF APPEALS OF THE UNITED STATES TO ENFORCE, SET ASIDE, OR MODIFY ORDERS OF THE COMMISSION OR BOARD SHALL BE EXCLUSIVE.

SUCH PROCEEDINGS IN THE CIRCUIT COURT OF APPEALS SHALL BE GIVEN PRECEDENCE OVER OTHER CASES PENDING THEREIN, AND SHALL

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BE IN EVERY WAY EXPEDITED. NO ORDER OF THE COMMISSION OR BOARD OR THE JUDGMENT OF THE COURT TO ENFORCE THE SAME SHALL IN ANY WISE RELIEVE OR ABSOLVE ANY PERSON FROM ANY LIABILITY UNDER THE ANTITRUST ACTS.

COMPLAINTS, ORDERS, AND OTHER PROCESSES OF THE COMMISSION OR BOARD UNDER THIS SECTION MAY BE SERVED BY ANYONE DULY AUTHORIZED BY THE COMMISSION OR BOARD, EITHER (A) BY DELIVERING A COPY THEREOF TO THE PERSON TO BE SERVED, OR TO A MEMBER OF THE PARTNERSHIP TO BE SERVED, OR TO THE PRESIDENT, SECRETARY, OR OTHER EXECUTIVE OFFICER OR A DIRECTOR OF THE CORPORATION TO BE SERVED; OR (B) BY LEAVING A COPY THEREOF AT THE PRINCIPAL OFFICE OR PLACE OF BUSINESS OF SUCH PERSON; OR (C) BY REGISTERING AND MAILING A COPY THEREOF ADDRESSED TO SUCH PERSON AT HIS PRINCIPAL OFFICE OR PLACE OF BUSINESS. THE VERIFIED RETURN BY THE PERSON SO SERVING SAID COMPLAINT, ORDER, OR OTHER PROCESS SETTING FORTH THE MANNER OF SAID SERVICE SHALL BE PROOF OF THE SAME, AND THE RETURN POST-OFFICE RECEIPT FOR SAID COMPLAINT, ORDER, OR OTHER PROCESS REGISTERED AND MAILED AS AFORESAID SHALL BE PROOF OF THE SERVICE OF THE SAME.

SEC. 10. That any suit, action, or proceeding under the antitrust laws against a corporation

may be brought not only in the judicial district whereof it is an inhabitant but also in any district wherein it may be found or has an agent.

SEC. 11. That any suit, action, or proceeding under the antitrust laws against a corporation

or against officers of a corporation by stockholders thereof

may be brought not only in the judicial district whereof it is an inhabitant, but also in any district wherein it may be found or ~~has an agent~~

transacts any business; and all process in such cases may be served in the district of which it is an inhabitant, or wherever it may be found, and where in any such suit against officers of a corporation, necessary and proper defendants reside in other districts than the one in which the action is pending, the court shall make an order for the summoning of such defendants, and the same may be served in any district by the marshal thereof.

SEC. 12. That any suit, action, or proceeding under the antitrust laws against a corporation

may be brought not only in the judicial district whereof it is an inhabitant, but also in any district wherein it may be found or ~~has an agent~~

transacts business; and all process in such cases may be served in the district of which it is an inhabitant, or wherever it may be found.

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AS PASSED BY THE SENATE.

AS AGREED TO IN CONFERENCE.

SEC. 11. That in any suit, action, or proceeding brought by or on behalf of the United States subpoenas for witnesses who are required to attend a court of the United States in any judicial district in any case, civil or criminal, arising under the antitrust laws may run into any other district: *Provided*, That in civil cases no writ of subpoena shall issue for witnesses living out of the district in which the court is held at a greater distance than one hundred miles from the place of holding the same without the permission of the trial court being first had upon proper application and cause shown.

SEC. 12. That whenever a corporation shall violate any of the provisions of the antitrust laws, such violation shall be deemed to be also that of the individual directors, officers, or agents of such corporation who shall have authorized, ordered, or done any of the acts constituting in whole or in part such violation, and such violation

shall be deemed a misdemeanor, and upon conviction therefor of any such director, officer, or agent he shall be punished by a fine of not exceeding \$5,000 or by imprisonment for not exceeding one year, or by both, in the discretion of the court.

SEC. 13. That the several district courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of this Act, and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition, the court shall proceed, as soon as may be, to the

SEC. ~~11~~ 12. That in any suit, action, or proceeding brought by or on behalf of the United States subpoenas for witnesses who are required to attend a court of the United States in any judicial district in any case, civil or criminal, arising under the antitrust laws may run into any other district: ~~Provided~~, That in civil cases no writ of subpoena shall issue for witnesses living out of the district in which the court is held at a greater distance than one hundred miles from the place of holding the same without the permission of the trial court being first had upon proper application and cause shown.

SEC. ~~12~~ 13. That ~~whenever a corporation shall violate any of the provisions of the antitrust laws, such violation shall be deemed to be also that of the individual directors, officers, or agents of such corporation who shall have authorized, ordered, or done any of the acts constituting in whole or in part such violation, and such violation~~

every director, officer, or agent of a corporation which shall violate any of the penal provisions of the antitrust laws, who shall have aided, abetted, counseled, commanded, induced, or procured such violation,

shall be deemed *guilty of* a misdemeanor, and upon conviction therefor of any such director, officer, or agent he shall be punished by a fine of not exceeding \$5,000 or by imprisonment for not exceeding one year, or by both, in the discretion of the court.

SEC. ~~13~~ 14. That the several district courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of this Act, and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition, the court shall proceed, as soon as may be, to the

SEC. 13. That in any suit, action, or proceeding brought by or on behalf of the United States subpoenas for witnesses who are required to attend a court of the United States in any judicial district in any case, civil or criminal, arising under the antitrust laws may run into any other district: *Provided*, That in civil cases no writ of subpoena shall issue for witnesses living out of the district in which the court is held at a greater distance than one hundred miles from the place of holding the same without the permission of the trial court being first had upon proper application and cause shown.

SEC. 14. That whenever a corporation shall violate any of the PENAL provisions of the antitrust laws, such violation shall be deemed to be also that of the individual directors, officers, or agents of such corporation who shall have authorized, ordered, or done any of the acts constituting in whole or in part such violation, and such violation

shall be deemed a misdemeanor, and upon conviction therefor of any such director, officer, or agent he shall be punished by a fine of not exceeding \$5,000 or by imprisonment for not exceeding one year, or by both, in the discretion of the court.

SEC. 15. That the several district courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of this Act, and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition, the court shall proceed, as soon as may be, to the

AS PASSED BY THE HOUSE.

hearing and determination of the case; and pending such petition, and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises. Whenever it shall appear to the court before which any such proceeding may be pending that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not, and subpoenas to that end may be served in any district by the marshal thereof.

SEC. 14. That any person, firm, corporation, or association shall be entitled to sue for and have injunctive relief, in any court of the United States having jurisdiction over the parties, against threatened loss or damage by a violation of the anti-trust laws,

when and under the same conditions and principles as injunctive relief against threatened conduct that will cause loss or damage is granted by courts of equity, under the rules governing such proceedings, and upon the execution of proper bond against damages for an injunction improvidently granted and a showing that the danger of irreparable loss or damage is immediate, a preliminary injunction may issue:

Provided, That nothing herein contained shall be construed to entitle any person, firm, corporation, or association, except the United States, to bring suit in equity for injunctive relief against any common carrier subject to the provisions of the Act to regulate commerce, approved February fourth, eighteen hundred and eighty-seven, in respect of any matter subject to the regulation, supervision, or other jurisdiction of the Interstate Commerce Commission.

AS PASSED BY THE SENATE.

hearing and determination of the case; and pending such petition, and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises. Whenever it shall appear to the court before which any such proceeding may be pending that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not, and subpoenas to that end may be served in any district by the marshal thereof.

SEC. ~~14~~ 15. That any person, firm, corporation, or association shall be entitled to sue for and have injunctive relief, in any court of the United States having jurisdiction over the parties, against threatened loss or damage by a violation of the anti-trust laws,

including sections two, six, and seven of this Act,

when and under the same conditions and principles as injunctive relief against threatened conduct that will cause loss or damage is granted by courts of equity, under the rules governing such proceedings, and upon the execution of proper bond against damages for an injunction improvidently granted and a showing that the danger of irreparable loss or damage is immediate, a preliminary injunction may issue:

[Stricken out in the Senate.]

AS AGREED TO IN CONFERENCE.

hearing and determination of the case; and pending such petition, and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises. Whenever it shall appear to the court before which any such proceedings may be pending that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not, and subpoenas to that end may be served in any district by the marshal thereof.

SEC. 16. That any person, firm, corporation, or association shall be entitled to sue for and have injunctive relief, in any court of the United States having jurisdiction over the parties, against threatened loss or damage by a violation of the anti-trust laws,

including sections two, THREE, seven AND EIGHT of this Act,

when and under the same conditions and principles as injunctive relief against threatened conduct that will cause loss or damage is granted by courts of equity, under the rules governing such proceedings, and upon the execution of proper bond against damages for an injunction improvidently granted and a showing that the danger of irreparable loss or damage is immediate, a preliminary injunction may issue:

Provided, That nothing herein contained shall be construed to entitle any person, firm, corporation, or association, except the United States, to bring suit in equity for injunctive relief against any common carrier subject to the provisions of the Act to regulate commerce, approved February fourth, eighteen hundred and eighty-seven, in respect of any matter subject to the regulation, supervision, or other jurisdiction of the Interstate Commerce Commission.

AS PASSED BY THE HOUSE.

SEC. 15. That no preliminary injunction shall be issued without notice to the opposite party.

No temporary restraining order shall be granted without notice to the opposite party unless it shall clearly appear from specific facts shown by affidavit or by the verified bill that immediate and irreparable injury, loss, or damage will result to

property or a property right of the applicant before notice could be served or hearing had thereon.

Every such temporary restraining order shall be indorsed with the date and hour of issuance, shall be forthwith filed in the clerk's office and entered of record, shall define the injury and state why it is irreparable and why the order was granted without notice, and shall by its terms expire within such time after entry, not to exceed ten days, as the court or judge may fix.

In case a temporary restraining order shall be granted without notice in the contingency specified, the matter of the issuance of a preliminary injunction shall be set down for a hearing at the earliest possible time and shall take precedence of all matters except older matters of the same character; and when the same comes up for hearing the party obtaining the temporary restraining order shall proceed with his application for a preliminary injunction, and if he does not do so the court shall dissolve his temporary restraining order. Upon two days' notice to the party obtaining such temporary restraining order the opposite party may appear and move the dissolution or modification of the order, and in that event the court or judge shall proceed to hear and determine the motion as expeditiously as the ends of justice may require.

Section two hundred and sixty-three of an Act entitled "An Act to codify, revise, and amend the laws relating to the judiciary," approved March third, nineteen hundred and eleven, is hereby repealed.

AS PASSED BY THE SENATE.

SEC. ~~15~~ 16. That no preliminary injunction shall be issued without notice to the opposite party.

No temporary restraining order shall be granted without notice to the opposite party unless it shall clearly appear from specific facts shown by affidavit or by the verified bill that immediate and irreparable injury, loss, or damage will result to

~~property or a property right of~~ the applicant before notice ~~could~~ *can* be served ~~or~~ *and* a hearing had thereon.

Every such temporary restraining order shall be indorsed with the date and hour of issuance, shall be forthwith filed in the clerk's office and entered of record, shall define the injury and state why it is irreparable and why the order was granted without notice, and shall by its terms expire within such time after entry, not to exceed ten days, as the court or judge may fix

unless within the time so fixed the order is extended for a like period for good cause shown, and the reasons for such extension shall be entered of record.

In case a temporary restraining order shall be granted without notice in the contingency specified, the matter of the issuance of a preliminary injunction shall be set down for a hearing at the earliest possible time and shall take precedence of all matters except older matters of the same character; and when the same comes up for hearing the party obtaining the temporary restraining order shall proceed with ~~his~~ *the* application for a preliminary injunction, and if he does not do so the court shall dissolve ~~his~~ *the* temporary restraining order. Upon two days' notice to the party obtaining such temporary restraining order the opposite party may appear and move the dissolution or modification of the order, and in that event the court or judge shall proceed to hear and determine the motion as expeditiously as the ends of justice may require.

Section two hundred and sixty-three of an Act entitled "An Act to codify, revise, and amend the laws relating to the judiciary," approved March third, nineteen hundred and eleven, is hereby repealed.

AS AGREED TO IN CONFERENCE.

SEC. 17. That no preliminary injunction shall be issued without notice to the opposite party.

No temporary restraining order shall be granted without notice to the opposite party unless it shall clearly appear from specific facts shown by affidavit or by the verified bill that immediate and irreparable injury, loss, or damage will result to

~~property or a property right of~~ the applicant before notice ~~could~~ *can* be served ~~or~~ *and* a hearing had thereon.

Every such temporary restraining order shall be indorsed with the date and hour of issuance, shall be forthwith filed in the clerk's office and entered of record, shall define the injury and state why it is irreparable and why the order was granted without notice, and shall by its terms expire within such time after entry, not to exceed ten days, as the court or judge may fix

unless within the time so fixed the order is extended for a like period for good cause shown, and the reasons for such extension shall be entered of record.

In case a temporary restraining order shall be granted without notice in the contingency specified, the matter of the issuance of a preliminary injunction shall be set down for a hearing at the earliest possible time and shall take precedence of all matters except older matters of the same character; and when the same comes up for hearing the party obtaining the temporary restraining order shall proceed with ~~his~~ *the* application for a preliminary injunction, and if he does not do so the court shall dissolve ~~his~~ *the* temporary restraining order. Upon two days' notice to the party obtaining such temporary restraining order the opposite party may appear and move the dissolution or modification of the order, and in that event the court or judge shall proceed to hear and determine the motion as expeditiously as the ends of justice may require.

Section two hundred and sixty-three of an Act entitled "An Act to codify, revise, and amend the laws relating to the judiciary," approved March third, nineteen hundred and eleven, is hereby repealed.

AS PASSED BY THE HOUSE.

Nothing in this section contained shall be deemed to alter, repeal, or amend section two hundred and sixty-six of an Act entitled "An Act to codify, revise, and amend the laws relating to the judiciary," approved March third, nineteen hundred and eleven.

SEC. 16. That,

except as otherwise provided in section fourteen of this Act,

no restraining order or interlocutory order of injunction shall issue, except upon the giving of security by the applicant in such sum as the court or judge may deem proper, conditioned upon the payment of such costs and damages as may be incurred or suffered by any party who may be found to have been wrongfully enjoined or restrained thereby.

SEC. 17. That every order of injunction or restraining order shall set forth the reasons for the issuance of the same, shall be specific in terms, and shall describe in reasonable detail, and not by reference to the bill of complaint or other document, the act or acts sought to be restrained, and shall be binding only upon the parties to the suit, their

agents, servants, employees, and attorneys, or those in active concert

with them, and who shall, by personal service or otherwise, have received actual notice of the same.

SEC. 18. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving, or growing out of, a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property, or to a property right, of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.

AS PASSED BY THE SENATE.

Nothing in this section contained shall be deemed to alter, repeal, or amend section two hundred and sixty-six of an Act entitled "An Act to codify, revise, and amend the laws relating to the judiciary," approved March third, nineteen hundred and eleven.

SEC. ~~16~~ 17. That,

~~except as otherwise provided in section fourteen of this Act,~~

no restraining order or interlocutory order of injunction shall issue, except upon the giving of security by the applicant in such sum as the court or judge may deem proper, conditioned upon the payment of such costs and damages as may be incurred or suffered by any party who may be found to have been wrongfully enjoined or restrained thereby.

SEC. ~~17~~ 18. That every order of injunction or restraining order shall set forth the reasons for the issuance of the same, shall be specific in terms, and shall describe in reasonable detail, and not by reference to the bill of complaint or other document, the act or acts sought to be restrained, and shall be binding only upon the parties to the suit, their

officers, agents, servants, employees, and attorneys, or those in active concert

or participating with them, and who shall, by personal service or otherwise, have received actual notice of the same.

SEC. ~~18~~ 19. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving, or growing out of, a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property, or to a property right, of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.

AS AGREED TO IN CONFERENCE.

Nothing in this section contained shall be deemed to alter, repeal, or amend section two hundred and sixty-six of an Act entitled "An Act to codify, revise, and amend the laws relating to the judiciary," approved March third, nineteen hundred and eleven.

SEC. 18. That,

except as otherwise provided in section SIXTEEN of this Act,

no restraining order or interlocutory order of injunction shall issue, except upon the giving of security by the applicant in such sum as the court or judge may deem proper, conditioned upon the payment of such costs and damages as may be incurred or suffered by any party who may be found to have been wrongfully enjoined or restrained thereby.

SEC. 19. That every order of injunction or restraining order shall set forth the reasons for the issuance of the same, shall be specific in terms, and shall describe in reasonable detail, and not by reference to the bill of complaint or other document, the act or acts sought to be restrained, and shall be binding only upon the parties to the suit, their

officers, agents, servants, employees and attorneys, or those in active concert

or participating with them, and who shall, by personal service or otherwise, have received actual notice of the same.

SEC. 20. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving, or growing out of, a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property, or to a property right, of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.



AS PASSED BY THE HOUSE.

And no such restraining order or injunction shall prohibit any person or persons

from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do;

or from attending at or near a house or place where any person resides or works, or carries on business or happens to be, for the purpose of peacefully obtaining or communicating information,

or of peacefully persuading any person to work or to abstain from working; or from

ceasing to patronize or to employ

any party to such dispute, or from recommending, advising, or persuading others by peaceful

means so to do; or from paying or giving to, or withholding from, any person engaged in such dispute, any strike benefits or other moneys or things of value; or from peaceably assembling at any place in a lawful manner, and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto; nor shall any of the acts specified in this paragraph be considered or held unlawful.

AS PASSED BY THE SENATE.

And no such restraining order or injunction shall prohibit any ~~person~~ ~~or persons~~

individual or individuals, whether singly or in concert,

from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do;

~~or from attending at or near a house or place where any person resides or works, or carries on business or happens to be, for the purpose of peacefully obtaining or communicating information,~~

or from attending at any place where any such person or persons may lawfully be, for the purpose of peacefully obtaining or communicating information,

or ~~of~~ from peacefully persuading any person to work or to abstain from working; or from

~~ceasing to patronize or to employ~~ *withholding their patronage from*

any party to such dispute, or from recommending, advising, or persuading others by peaceful

and lawful

means so to do; or from paying or giving to, or withholding from, any person engaged in such dispute, any strike benefits or other moneys or things of value; or from peaceably assembling ~~at any place~~ in a lawful manner, and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto; nor shall any of the acts specified in this paragraph be considered or held ~~unlawful~~

to be violations of any law of the United States.

AS AGREED TO IN CONFERENCE.

And no such restraining order or injunction shall prohibit any person or persons

whether singly or in concert,

from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do;

~~or from attending at or near a house or place where any person resides or works, or carries on business or happens to be, for the purpose of peacefully obtaining or communicating information,~~

or from attending at any place where any such person or persons may lawfully be, for the purpose of peacefully obtaining or communicating information,

or ~~of~~ from peacefully persuading any person to work or to abstain from working; or from

~~ceasing to patronize or to employ~~

any party to such dispute, or from recommending, advising or persuading others by peaceful

and lawful

means so to do; or from paying or giving to, or withholding from, any person engaged in such dispute, any strike benefits or other moneys or things of value; or from peaceably assembling ~~at any place~~ in a lawful manner, and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto; nor shall any of the acts specified in this paragraph be considered or held ~~unlawful~~

to be violations of any law of the United States.

AS PASSED BY THE HOUSE.

SEC. 19. That any person who shall willfully disobey any lawful writ, process, order, rule, decree, or command of any district court of the United States or any court of the District of Columbia by doing any act or thing therein, or thereby forbidden to be done by him, if the act or thing so done by him be of such character as to constitute also a criminal offense under any statute of the United States, or at common law,

shall be proceeded against for his said contempt as hereinafter provided.

SEC. 20. That whenever it shall be made to appear to any district court or judge thereof, or to any judge therein sitting, by the return of a proper officer on lawful process, or upon the affidavit of some credible person, or by information filed by any district attorney, that there is reasonable ground to believe that any person has been guilty of such contempt, the court or judge thereof, or any judge therein sitting, may issue a rule requiring the said person so charged to show cause upon a day certain why he should not be punished therefor, which rule, together with a copy of the affidavit or information, shall be served upon the person charged, with sufficient promptness to enable him to prepare for and make return to the order at the time fixed therein. If upon or by such return, in the judgment of the court, the alleged contempt be not sufficiently purged, a trial shall be directed at a time and place fixed by the court: *Provided, however,* That if the accused, being a natural person, fail or refuse to make return to the rule to show cause, an attachment may issue against his person to compel an answer, and in case of his continued failure or refusal, or if for any reason it be impracticable to dispose of the matter on the return day, he may be required to give reasonable bail for his attendance at the trial and his submission to the final judgment of the court. Where the accused

AS PASSED BY THE SENATE.

SEC. ~~19~~ 20. That any person who shall willfully disobey any lawful writ, process, order, rule, decree, or command of any district court of the United States or any court of the District of Columbia by doing any act or thing therein, or thereby forbidden to be done by him, if the act or thing so done by him be of such character as to constitute also a criminal offense under any statute of the United States, or ~~at common law,~~

under the laws of any State in which the act was committed,

shall be proceeded against for his said contempt as hereinafter provided.

SEC. ~~20~~ 21. That whenever it shall be made to appear to any district court or judge thereof, or to any judge therein sitting, by the return of a proper officer on lawful process, or upon the affidavit of some credible person, or by information filed by any district attorney, that there is reasonable ground to believe that any person has been guilty of such contempt, the court or judge thereof, or any judge therein sitting, may issue a rule requiring the said person so charged to show cause upon a day certain why he should not be punished therefor, which rule, together with a copy of the affidavit or information, shall be served upon the person charged, with sufficient promptness to enable him to prepare for and make return to the order at the time fixed therein. If upon or by such return, in the judgment of the court, the alleged contempt be not sufficiently purged, a trial shall be directed at a time and place fixed by the court: *Provided, however,* That if the accused, being a natural person, fail or refuse to make return to the rule to show cause, an attachment may issue against his person to compel an answer, and in case of his continued failure or refusal, or if for any reason it be impracticable to dispose of the matter on the return day, he may be required to give reasonable bail for his attendance at the trial and his submission to the final judgment of the court. Where the accused

AS AGREED TO IN CONFERENCE.

SEC. 21. That any person who shall willfully disobey any lawful writ, process, order, rule, decree, or command of any district court of the United States or any court of the District of Columbia by doing any act or thing therein, or thereby forbidden to be done by him, if the act or thing so done by him be of such character as to constitute also a criminal offense under any statute of the United States, or ~~at common law,~~

under the laws of any State in which the act was committed,

shall be proceeded against for his said contempt as hereinafter provided.

SEC. 22. That whenever it shall be made to appear to any district court or judge thereof, or to any judge therein sitting, by the return of a proper officer on lawful process, or upon the affidavit of some credible person, or by information filed by any district attorney, that there is reasonable ground to believe that any person has been guilty of such contempt, the court or judge thereof, or any judge therein sitting, may issue a rule requiring the said person so charged to show cause upon a day certain why he should not be punished therefor, which rule, together with a copy of the affidavit or information, shall be served upon the person charged with sufficient promptness to enable him to prepare for and make return to the order at the time fixed therein. If upon or by such return, in the judgment of the court, the alleged contempt be not sufficiently purged, a trial shall be directed at a time and place fixed by the court: *Provided, however,* That if the accused, being a natural person, fail or refuse to make return to the rule to show cause, an attachment may issue against his person to compel an answer, and in case of his continued failure or refusal, or if for any reason it be impracticable to dispose of the matter on the return day, he may be required to give reasonable bail for his attendance at the trial and his submission to the final judgment of the court. Where the accused

AS PASSED BY THE HOUSE.

AS PASSED BY THE SENATE.

AS AGREED TO IN CONFERENCE.

person is a body corporate, an attachment for the sequestration of its property may be issued upon like refusal or failure to answer.

In all cases within the purview of this Act such trial may be by the court, or, upon demand of the accused, by a jury; in which latter event the court may impanel a jury from the jurors then in attendance, or the court or the judge thereof in chambers may cause a sufficient number of jurors to be selected and summoned, as provided by law, to attend at the time and place of trial, at which time a jury shall be selected and impaneled as upon a trial for misdemeanor; and such trial shall conform, as near as may be, to the practice in criminal cases prosecuted by indictment or upon information.

If the accused be found guilty, judgment shall be entered accordingly, prescribing the punishment, either by fine or imprisonment, or both, in the discretion of the court. Such fine shall be paid to the United States or to the complainant or other party injured by the act constituting the contempt, or may, where more than one is so damaged, be divided or apportioned among them as the court may direct, but in no case shall the fine to be paid to the United States exceed, in case the accused is a natural person, the sum of \$1,000, nor shall such imprisonment exceed the term of six months.

~~person~~ is a body corporate, an attachment for the sequestration of its property may be issued upon like refusal or failure to answer.

In all cases within the purview of this Act such trial may be by the court, or, upon demand of the accused, by a jury; in which latter event the court may impanel a jury from the jurors then in attendance, or the court or the judge thereof in chambers may cause a sufficient number of jurors to be selected and summoned, as provided by law, to attend at the time and place of trial, at which time a jury shall be selected and impaneled as upon a trial for misdemeanor; and such trial shall conform, as near as may be, to the practice in criminal cases prosecuted by indictment or upon information.

If the accused be found guilty, judgment shall be entered accordingly, prescribing the punishment, either by fine or imprisonment, or both, in the discretion of the court. Such fine shall be paid to the United States or to the complainant or other party injured by the act constituting the contempt, or may, where more than one is so damaged, be divided or apportioned among them as the court may direct, but in no case shall the fine to be paid to the United States exceed, in case the accused is a natural person, the sum of \$1,000, nor shall such imprisonment exceed the term of six months

: Provided, That in any case the court or a judge thereof may, for good cause shown, by affidavit or proof taken in open court or before such judge and filed with the papers in the case, dispense with the rule to show cause, and may issue an attachment for the arrest of the person charged with contempt; in which event such person, when arrested, shall be brought before such court or a judge thereof without unnecessary delay and shall be admitted to bail in a reasonable penalty for his appearance to answer to the charge or for trial for the contempt; and thereafter the proceedings shall be the same as provided herein in case the rule had issued in the first instance.

~~person~~ is a body corporate, an attachment for the sequestration of its property may be issued upon like refusal or failure to answer.

In all cases within the purview of this Act such trial may be by the court, or, upon demand of the accused, by a jury; in which latter event the court may impanel a jury from the jurors then in attendance, or the court or the judge thereof in chambers may cause a sufficient number of jurors to be selected and summoned, as provided by law, to attend at the time and place of trial, at which time a jury shall be selected and impaneled as upon a trial for misdemeanor; and such trial shall conform as near as may be to the practice in criminal cases prosecuted by indictment or upon information.

If the accused be found guilty, judgment shall be entered accordingly, prescribing the punishment, either by fine or imprisonment, or both, in the discretion of the court. Such fine shall be paid to the United States or to the complainant or other party injured by the act constituting the contempt, or may, where more than one is so damaged, be divided or apportioned among them as the court may direct, but in no case shall the fine to be paid to the United States exceed, in case the accused is a natural person, the sum of \$1,000, nor shall such imprisonment exceed the term of six months

: Provided, That in any case the court or a judge thereof may, for good cause shown, by affidavit or proof taken in open court or before such judge and filed with the papers in the case, dispense with the rule to show cause, and may issue an attachment for the arrest of the person charged with contempt; in which event such person, when arrested, shall be brought before such court or a judge thereof without unnecessary delay and shall be admitted to bail in a reasonable penalty for his appearance to answer to the charge or for trial for the contempt; and thereafter the proceedings shall be the same as provided herein in case the rule had issued in the first instance.

AS PASSED BY THE HOUSE.

SEC. 21. That the evidence taken upon the trial of any person so accused may be preserved by bill of exceptions, and any judgment of conviction may be reviewed upon writ of error in all respects as now provided by law in criminal cases, and may be affirmed, reversed, or modified as justice may require. Upon the granting of such writ of error, execution of judgment shall be stayed, and the accused, if thereby sentenced to imprisonment, shall be admitted to bail in such reasonable sum as may be required by the court, or by any justice, or any judge of any district court of the United States or any court of the District of Columbia.

SEC. 22. That nothing herein contained shall be construed to relate to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States, but the same, and all other cases of contempt not specifically embraced within section nineteen

of this Act, may be punished in conformity to the usages at law and in equity now prevailing.

SEC. 23. That no proceeding for contempt shall be instituted against any person unless begun within one year from the date of the act complained of; nor shall any such proceeding be a bar to any criminal prosecution for the same act or acts; but nothing herein contained shall affect any proceedings in contempt pending at the time of the passage of this Act.

AS PASSED BY THE SENATE.

SEC. ~~21~~ 22. That the evidence taken upon the trial of any person so accused may be preserved by bill of exceptions, and any judgment of conviction may be reviewed upon writ of error in all respects as now provided by law in criminal cases, and may be affirmed, reversed, or modified as justice may require. Upon the granting of such writ of error, execution of judgment shall be stayed, and the accused, if thereby sentenced to imprisonment, shall be admitted to bail in such reasonable sum as may be required by the court, or by any justice, or any judge of any district court of the United States or any court of the District of Columbia.

SEC. ~~22~~ 23. That nothing herein contained shall be construed to relate to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States, but the same, and all other cases of contempt not specifically embraced within section ~~nineteen~~

twenty of this Act, may be punished in conformity to the usages at law and in equity now prevailing.

SEC. ~~23~~ 24. That no proceeding for contempt shall be instituted against any person unless begun within one year from the date of the act complained of; nor shall any such proceeding be a bar to any criminal prosecution for the same act or acts; but nothing herein contained shall affect any proceedings in contempt pending at the time of the passage of this Act.

SEC. 25. *That whenever a corporation shall acquire or consolidate the ownership or control of the plants, franchises, or property of other corporations, copartnerships, or individuals, so that it shall be adjudged to be a monopoly or combination in restraint of trade, the court rendering such judgment shall decree its dissolution and shall to that end appoint receivers to wind up its affairs and shall cause all of its assets to be sold*

AS AGREED TO IN CONFERENCE.

SEC. 23. That the evidence taken upon the trial of any person so accused may be preserved by bill of exceptions, and any judgment of conviction may be reviewed upon writ of error in all respects as now provided by law in criminal cases, and may be affirmed, reversed, or modified as justice may require. Upon the granting of such writ of error, execution of judgment shall be stayed, and the accused, if thereby sentenced to imprisonment, shall be admitted to bail in such reasonable sum as may be required by the court, or by any justice, or any judge of any district court of the United States or any court of the District of Columbia.

SEC. 24. That nothing herein contained shall be construed to relate to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States, but the same, and all other cases of contempt not specifically embraced within section ~~twenty-one~~

TWENTY-ONE of this Act, may be punished in conformity to the usages at law and in equity now prevailing.

SEC. 25. That no proceeding for contempt shall be instituted against any person unless begun within one year from the date of the act complained of; nor shall any such proceeding be a bar to any criminal prosecution for the same act or acts; but nothing herein contained shall affect any proceedings in contempt pending at the time of the passage of this Act.

AS PASSED BY THE HOUSE.

AS PASSED BY THE SENATE.

AS AGREED TO IN CONFERENCE.

in such manner and to such persons as will, in the opinion of the court, restore competition as fully and completely as it was before said corporation or combination began to be formed. The court shall reserve in its decree jurisdiction over said assets so sold for a sufficient time to satisfy the court that full and free competition is restored and assured.

SEC. 26. It shall be unlawful for any corporation engaged in commerce to do any business in any State contrary to the laws of the State under which said corporation was created or contrary to the laws of the State in which it may be doing business. The District of Columbia shall be deemed a State within the meaning of this section.

SEC. 27. If any clause, sentence, paragraph, or part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SEC. 26. That if any clause, sentence, paragraph, or part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Passed the House of Representatives June 5, 1914.

Attest:

SOUTH TRIMBLE,
Clerk.

Passed the Senate with amendments September 2, 1914.

Attest:

JAMES M. BAKER,
Secretary.

Passed the Senate with amendments September 2, 1914.

Attest:

JAMES M. BAKER,
Secretary.

